

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Galbraith & Paul, Inc.,

Plaintiff,

V.

SUMMONS IN A CIVIL ACTION

Ruby Tuesday, Inc., Johnson
Architecture, Inc., Calloway's, Inc.,
and Jovin, Inc.,

CASE NUMBER: 07-10512(PKC)

Defendants.

TO: (Name and address of Defendant)

Calloway's, Inc.
5714 Kingston Pike
Knoxville, Tennessee 37919-6363

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

George Gottlieb, Esq.
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue, 8th Floor
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

JAN 25 2008

DATE

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RETURN OF SERVICEService of the Summons and complaint was made by me⁽¹⁾

DATE

2-1-08

NAME OF SERVER (PRINT)

TOM Mercer

TITLE

Process Server

Check one box below to indicate appropriate method of service

- ☒ Served personally upon the defendant. Place where served: AT PLACE OF BUSINESS
AT 5714 Kingston Pike. Knox, TN. 37919.
Rod Cebbetter accepted papers

- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

- ☐ Returned unexecuted:

- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

\$0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

2-1-08

Date

Signature of Server

TOM MERCER

Address of Server

372 Pioneer Ridge Way
Seymour, TN. 37865

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.